



MONTGOMERY COUNTY ETHICS COMMISSION

Advisory Opinion No. 03-008 (Item 03-008)

A public employee asks if there is a conflict between his public employment and his role as a volunteer member of the board of directors of a local non profit charitable corporation. Because the employee has not indicated that he is participating in any matter in which the corporation is a party, we perceive no conflict.

The public employee works at one of the County's regional services centers. His duties require him to be familiar with the area and population served by the center. The charitable corporation he volunteers for is also located in that area and also serves members of that same community. The corporation receives state and County funding and, although he is aware of the corporation's budget, he is not involved in the corporation's financial activities. He does not monitor corporation contracts.

The ethics law precludes a public employee from participating in any matter if the employee knows, or reasonably should know, that a business in which he is an officer or director is a party to that matter. § 19A-11(a)(2)(A) Montgomery County Code (1994), as amended. Based upon the limited facts provided, the employee has not indicated that he is participating in any "matter" in which the corporation is a party. Thus, unless and until the situation changes, there is no conflict.

FOR THE COMMISSION:

Elizabeth K. Kellar, Chair